

REMARKS

I. Status of the Claims

Claims 1-25 are pending, claims 19 and 20 stand withdrawn, and claims 1-18 and 21-25 are under examination and stand rejected under 35 U.S.C. §112, first and second paragraphs. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

II. Rejection Under 35 U.S.C. §112, First Paragraph (Enablement)

Claims 1-18 and 21-25 are rejected as lacking enablement for "an" amino acid sequence of SEQ ID NO:3 or 5, "a" nucleotide sequence set forth in SEQ ID NO:1, 2 or 4, or polypeptide hybridizing to SEQ ID NO:1, 2 or 4 and "capable of" C-O bond formation. Applicants have provided amendments to the claims to alter "an" and "a" to "the," and to change "capable of" to "catalyzes." Also, the examiner appears to argue that a "biological molecule" is insufficient to provide for macrotetralide synthesis, and thus relevant claims have replaced "biological molecule" with "enantiomeric nonactins or analogs thereof" (see page 21, lines 10-11 of the specification). Thus, it is believed that applicants have addressed the examiner's concerns. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

III. Rejection Under 35 U.S.C. §112, First Paragraph (Written Description)

Claims 1-18 and 21-25 are rejected as lacking written description for most of the reasons set forth above with respect to enablement. Applicants direct the examiner to the same amendments discussed above, which are believed to address the examiner's concerns. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

IV. Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 9-18 are remain rejected as indefinite. In particular, claim 10 continues to be rejected on the grounds that the stringent hybridization conditions are not clear. Applicants again traverse. As the examiner is no doubt aware, there is no single set of stringent hybridization conditions that may be stated for all nucleic acids. As set forth specifically in the specification, “‘stringent hybridization’ and ‘stringent hybridization wash conditions’ ... are sequence dependent, and are different under different environmental parameters.” Thus, it is abundantly clear that to place *specific* conditions into the claim is unduly limiting. Moreover, the entire passage at pages 17-18 dealing with stringency clearly establishes that one of skill in the art can interpret this term and apply it, in a given situation, without further instruction.


Claims 9 and 16-18 are newly rejected as indefinite. The examiner argues that it is unclear how a macrotetralide or analog thereof is produced while only reciting formation of a C-O bond, and not other steps in the process. Applicants traverse, but have provided amendments to each of these claims addressing the examiner’s concerns.

Reconsideration and withdrawal of both rejections is therefore respectfully requested.

V. Conclusion

In light of the foregoing, applicant respectfully submits that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this response, a telephone call to the undersigned is invited.

Respectfully submitted,



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